

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lesley Henry	Team: Team # 5	CCRB Case #: 201109607	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/20/2011 9:37 PM	Location of Incident: Franklin Avenue and Hancock Street and the 79th Precinct stationhouse	Precinct: 79	18 Mo. SOL 10/20/2012	EO SOL 10/20/2012	
Date/Time CV Reported Mon, 07/25/2011 4:27 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/25/2011 4:27 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Lenford Gouldbourne	28752	938602	079 PCT
2. SGT William Glynn	00034	932718	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Tythe Gladden	28522	940194	079 PCT
2. POM Richard Gadson	08528	928333	079 PCT
3. SGT Paul Scocca	03616	935713	079 PCT
4. POM Peter Russo	19911	934293	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT William Glynn	Abuse: At Franklin Avenue and Hancock Street in Brooklyn, Sgt. William Glynn stopped § 87(2)(b) and § 87(2)(b)	
B.POM Lenford Gouldbourne	Abuse: At Franklin Avenue and Hancock Street in Brooklyn, PO Lenford Gouldbourne stopped § 87(2)(b) and § 87(2)(b)	
C.POM Lenford Gouldbourne	Abuse: At Franklin Avenue and Hancock Street in Brooklyn, PO Lenford Gouldbourne frisked § 87(2)(b)	
D.POM Lenford Gouldbourne	Abuse: At Franklin Avenue and Hancock Street in Brooklyn, PO Lenford Gouldbourne searched § 87(2)(b)	
E.POM Lenford Gouldbourne	Abuse: At the 79th Precinct stationhouse, PO Lenford Gouldbourne strip-searched § 87(2)(b)	
F.POM Lenford Gouldbourne	Discourtesy: At the 79th Precinct stationhouse, PO Lenford Gouldbourne spoke obscenely and/or rudely to § 87(2)(b)	

Case Summary

On July 25, 2011, § 87(2)(b) filed a complaint with the CCRB on behalf of himself and his friend, § 87(2)(b) via telephone (encl. 3A-B). § 87(2)(b) filed his complaint three months after the incident date because he wanted the criminal case against him to be closed prior to filing his complaint.

On April 20, 2011, at approximately 9:37 p.m., § 87(2)(b) encountered. Sgt. William Glynn and PO Lenford Gouldbourne of the 79th Precinct on the corner of Franklin Avenue and Hancock Street in Brooklyn. The following allegations resulted:

- **Allegation A – Abuse of Authority:** At Franklin Avenue and Hancock Street in Brooklyn, Sgt. William Glynn stopped § 87(2)(b) and § 87(2)(b).
- **Allegation B – Abuse of Authority:** At Franklin Avenue and Hancock Street in Brooklyn, PO Lenford Gouldbourne stopped § 87(2)(b) and § 87(2)(b) § 87(2)(g).
- **Allegation C – Abuse of Authority:** At Franklin Avenue and Hancock Street in Brooklyn, PO Lenford Gouldbourne frisked § 87(2)(b).
- **Allegation D – Abuse of Authority:** At Franklin Avenue and Hancock Street in Brooklyn, PO Lenford Gouldbourne searched § 87(2)(b) § 87(2)(g).
- **Allegation E – Abuse of Authority:** At the 79th Precinct stationhouse, PO Lenford Gouldbourne strip-searched § 87(2)(b) § 87(2)(g).
- **Allegation F – Abuse of Authority:** At the 79th Precinct stationhouse, PO Lenford Gouldbourne spoke rudely and/or obscenely to § 87(2)(b) § 87(2)(g).

§ 87(2)(b), § 87(2)(a) CVR § 50-b

Results of Investigation

Civilian Statement(s)

Complainant: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) § 87(2)(b).

CCRB Testimony

On August 2, 2011, § 87(2)(b) provided a telephone statement to the CCRB (encl. 4A). On August 5, 2011, § 87(2)(b) was interviewed at the CCRB (encl. 4B-C). § 87(2)(b)'s statements contained slight inconsistencies that have been noted in the following summary.

On April 20, 2011, at approximately 9:37 p.m., § 87(2)(b) and his two friends, § 87(2)(b) and § 87(2)(b) left § 87(2)(b) apartment on Hancock Street and walked to a nearby store at the corner of Franklin Avenue and Hancock Street in Brooklyn. § 87(2)(b) brother, identified through investigation as § 87(2)(b) was also present. Three uniformed officers in a marked patrol car stopped and called § 87(2)(b) over to their car. § 87(2)(b) approached the officers while § 87(2)(b) and § 87(2)(b) continued walking. One of the officers, whom § 87(2)(b) did not recall, frisked § 87(2)(b) and then allowed him to walk away.

An officer, whom § 87(2)(b) identified as PO Lenford Gouldbourne, walked toward § 87(2)(b) and § 87(2)(b) and told them to continue walking. § 87(2)(b) described PO Gouldbourne as a black male, 6'0" tall, 200 lbs., with a Caribbean accent. § 87(2)(b) told § 87(2)(b) that the officers had violated his rights. PO Gouldbourne overheard § 87(2)(b) and he told two other officers to lock § 87(2)(b) up. § 87(2)(b) did not make any direct statements to any of the police officers. § 87(2)(b) described the other two officers as black males in uniform with one of them wearing prescription glasses. These officers were identified through investigation as PO Richard Gadson and PO Tythe Gladden.

At the 79th Precinct stationhouse, PO Gouldbourne searched § 87(2)(b) in front of the front desk. An unidentified officer, whom § 87(2)(b) could not describe, walked past and asked, "Sarg, do you see that?" in reference to a white substance on the floor approximately four feet away from § 87(2)(b). § 87(2)(b) denied that the white substance belonged to him. PO Gouldbourne took § 87(2)(b) into a back room toward the left of the rear entrance of the stationhouse. PO Gouldbourne told § 87(2)(b) to remove his shirt and socks and § 87(2)(b) complied. He then told § 87(2)(b) to remove his pants and PO Gouldbourne unbuckled § 87(2)(b)'s pants and pulled them down for him. With a latex gloved hand, PO Gouldbourne pulled the skin on § 87(2)(b)'s penis backward and § 87(2)(b) felt sexually violated by the action. PO Gadson observed the first strip search. § 87(2)(b) was strip searched approximately three additional times by PO Gouldbourne; however, no one else was present.

PO Gouldbourne placed § 87(2)(b) inside of a cell where he remained for approximately three hours. PO Gouldbourne told § 87(2)(b) "I don't mind you recording me, but when you begin to talk about your rights – I don't like that shit." PO Gouldbourne issued § 87(2)(b) a disorderly conduct summons and he was released from the stationhouse.

Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b)

CCRB Testimony

On August 25, 2011, § 87(2)(b) provided a telephone statement to the CCRB (encl. 6A). On August 30, 2011, § 87(2)(b) was interviewed at the CCRB (encl. 6B-C); § 87(2)(b)'s

statements were consistent with one another; § 87(2)(b), § 87(2)(g)

On April 20, 2011, at approximately 9:37 p.m., § 87(2)(b) walked to the store with § 87(2)(b) and § 87(2)(b) talked on his cell phone approximately fifteen feet behind § 87(2)(b) and § 87(2)(b). A marked patrol car stopped beside § 87(2)(b) near the corner of Franklin Avenue and Hancock Street in Brooklyn. PO Gouldbourne and Sgt. Glynn exited the vehicle and told § 87(2)(b) “Don’t move.” § 87(2)(b) placed his cell phone inside of his front right pants pocket. PO Gouldbourne told § 87(2)(b) to get against the car and § 87(2)(b) faced a parked car and placed his hands in the air. PO Gouldbourne frisked § 87(2)(b) along his sides and removed his wallet, cell phone, money and identification from his front pants pockets. Sgt. Glynn took § 87(2)(b)’s identification from PO Gouldbourne and recorded § 87(2)(b)’s information on a notepad.

§ 87(2)(b) walked toward the officers and asked them why they were searching § 87(2)(b). § 87(2)(b) told § 87(2)(b) to record the officers’ name and shield numbers. PO Gouldbourne grabbed § 87(2)(b) and told him to get against the car. § 87(2)(b) did not resist or cause a commotion; he complied with the officer’s instructions and placed his hands in the air. PO Gouldbourne frisked, searched and handcuffed § 87(2)(b) and then left the location with § 87(2)(b) in custody.

Telephone Statement

On September 7, 2011, § 87(2)(b) provided a telephone statement to the CCRB (encl. 8). His statement was inconsistent with § 87(2)(b)’s testimony.

On April 20, 2011, § 87(2)(b) had been celebrating his birthday with his friends, § 87(2)(b) and § 87(2)(b) and his brother, § 87(2)(b) inside of his home located at § 87(2)(b) in Brooklyn. § 87(2)(b) lives in Virginia and § 87(2)(b) was unable to provide any contact information for him. The group had been listening to music and decided to go outside to get some food. § 87(2)(b) denied that anyone had consumed alcohol or drugs. At the corner of Hancock Street and Franklin Avenue in Brooklyn, a marked police vehicle pulled up and the officers told § 87(2)(b) to come to them. § 87(2)(b) did not recall the officers interacting with § 87(2)(b). Sgt. Glynn said that he was willing to let § 87(2)(b) go; however, PO Gouldbourne insisted on placing § 87(2)(b) under arrest and they left the location with § 87(2)(b).

NYPD Statement(s):

Subject Officer: PO LENFORD GOULDBOURNE

- *PO Lenford Gouldbourne, § 87(2)(b). On April 20, 2011, PO Gouldbourne worked in uniform assigned as the sergeant’s operator for Sgt. William Glynn from 3:00 p.m. until 11:23 p.m. PO Gouldbourne was the operator of marked vehicle 3214.*

Memo Book

PO Gouldbourne’s memo book entries indicate that at 9:37 p.m., he observed § 87(2)(b) causing public alarm, annoyance and inconvenience by engaging in unreasonable noise (encl. 9A-B).

Summons 433152165-5

The summons indicates that § 87(2)(b) committed the infraction of disorderly conduct by making unreasonable noise (encl. 9C).

CCRB Testimony

On October 7, 2011, PO Lenford Gouldbourne was interviewed by the CCRB (encl. 9D-F). On April 20, 2011, at approximately 9:37 p.m., PO Gouldbourne and Sgt. Glynn observed a group of approximately eight males near the intersection of Franklin Avenue and Hancock Street in Brooklyn. The males appeared to be engaged in an argument because one of the individuals stated, "Fuck you," to another. PO Gouldbourne denied that any of the individuals fit the description of a robbery suspect and he denied interacting with § 87(2)(b) in any capacity. PO Gouldbourne and Sgt. Glynn exited their vehicle and PO Gouldbourne asked, "What's the commotion about?" § 87(2)(b) used obscenities that PO Gouldbourne did not recall, and when PO Gouldbourne approached § 87(2)(b) he smelled alcohol on his breath. § 87(2)(b) appeared more intoxicated than the other individuals because he moved his hands around as if he wanted to fight PO Gouldbourne and he refused to place his hands where PO Gouldbourne could see them without encouragement from his friends. PO Gouldbourne denied that § 87(2)(b) had ever requested another individual to record PO Gouldbourne or Sgt. Glynn's name and shield numbers.

PO Gouldbourne determined that he could not issue § 87(2)(b) a summons for disorderly conduct at the location because a crowd had gathered. PO Gouldbourne handcuffed § 87(2)(b) and he was transported to the 79th Precinct stationhouse.

At the stationhouse, PO Gouldbourne searched § 87(2)(b) at the front desk for weapons. PO Gouldbourne denied that he observed any white colored substance on the floor near § 87(2)(b). PO Gouldbourne acknowledged that on the command log § 87(2)(b)'s physical and mental condition was listed as normal. PO Gouldbourne contradicted his earlier statement that § 87(2)(b) had appeared intoxicated and then stated that § 87(2)(b) only smelled like alcohol.

PO Gouldbourne placed § 87(2)(b) inside of a holding cell; he did not recall whether other prisoners were present. PO Gouldbourne denied stating, "I don't like that shit," in response to § 87(2)(b) claiming to know his rights. PO Gouldbourne placed latex gloves on his own hands and removed § 87(2)(b)'s shoelaces, belt and socks. PO Gouldbourne denied that he had requested § 87(2)(b) to remove his pants and PO Gouldbourne did not unbuckle and/or remove § 87(2)(b)'s pants or conduct a strip search. § 87(2)(b), § 87(2)(a) CVR § 50-b PO Gouldbourne issued Summons § 87(2)(b) to § 87(2)(b) for disorderly conduct and § 87(2)(b) was allowed to leave.

Subject Officer: SGT. WILLIAM GLYNN

- *Sgt. William Glynn, § 87(2)(b)*
On April 20, 2011, Sgt. Glynn worked in uniform from 2:50 p.m. until 1:47 a.m. as the patrol supervisor with PO Gouldbourne in a marked patrol car 3214.

Memo book

Sgt. Glynn's memo book entries indicate that at 9:30 p.m., § 87(2)(b) was arrested for disorderly conduct by PO Gouldbourne (10A-D).

CCRB Testimony

On October 7, 2011, Sgt. William Glynn provided a sworn statement to the CCRB (encl. 10E-F); his statement was inconsistent with PO Gouldbourne's testimony and has been summarized below.

On April 20, 2011, at approximately 9:30 p.m., Sgt. Glynn and PO Gouldbourne observed approximately eight males in the street and on the sidewalk behaving disorderly. Sgt. Glynn could not determine whether the group was engaged in a dispute or were just being loud. Sgt. Glynn was not looking for any robbery suspects at the time of the incident. Sgt. Glynn and PO Gouldbourne exited their vehicle to get the group to move along; they did not discuss their decision to stop their vehicle. The group did not immediately move along and PO Gouldbourne repeated his command for the group to move along. § 87(2)(b) appeared intoxicated and he told PO Gouldbourne, "Go fuck yourself." PO Gouldbourne made an independent decision that § 87(2)(b) would be arrested for disorderly conduct and he did not discuss his decision with Sgt. Glynn. PO Gouldbourne placed § 87(2)(b) in handcuffs and conducted a field frisk and search incident to § 87(2)(b)'s arrest. Sgt. Glynn did not observe PO Gouldbourne frisk or search § 87(2)(b) or anyone else prior to § 87(2)(b) being placed under arrest. Sgt. Glynn engaged with the larger group. Sgt. Glynn did not frisk or search anyone in the larger group. Sgt. Glynn was provided with a description and photograph of § 87(2)(b) however, he did not recall him. Sgt. Glynn did not recall whether § 87(2)(b) ever told another individual to request PO Gouldbourne's name and shield number.

Officers, whom Sgt. Glynn did not recall, transported § 87(2)(b) back to the stationhouse. Sgt. Glynn did not encounter § 87(2)(b) when he returned to the stationhouse and he did not authorize anyone to conduct a strip search of § 87(2)(b).

Witness Officer: PO PETER RUSSO

- *PO Peter Russo, § 87(2)(b). On April 20, 2011, PO Russo worked from 3:00 p.m. until 11:35 p.m. assigned as the cell attendant at the 79th Precinct stationhouse.*

Memo Book

PO Russo did not have any relevant memo book entries (encl. 11A-B).

CCRB Testimony

On October 20, 2011, PO Peter Russo was interviewed at the CCRB (encl. 11C-D). PO Russo did not recall § 87(2)(b) or the incident. PO Russo observed a copy of the prisoner holding pen roster and acknowledged that he had written the entry for § 87(2)(b). PO Russo noted that § 87(2)(b) entered the stationhouse at 9:50 p.m. and entered the holding cells at 10:00 p.m. At 10:30 p.m. PO Russo noted that § 87(2)(b) was, "Ok." PO Russo explained that he will generally note that a prisoner is "ok" once the prisoner does not have any complaints or has not requested to go to the hospital during PO Russo's inventory check of the holding cells. PO Russo did not observe PO Gouldbourne strip search § 87(2)(b).

Witness Officer: SGT. PAUL SCOCCA

- *Sgt. Paul Scocca, § 87(2)(b). On April 20, 2011, Sgt. Scocca worked in uniform from 2:50 p.m. until 11:47 a.m. assigned as the desk officer at the 79th Precinct stationhouse.*

Memo Book

Sgt. Scocca did not have any memo book entries related to the incident (encl. 12A-C).

CCRB Testimony

On December 7, 2011, Sgt. Paul Scocca was interviewed by the CCRB (encl. 12D-E). On April 20, 2011, Sgt. Scocca was assigned to the front desk; however he did not recall § 87(2)(b) or the incident. Sgt. Scocca did not authorize anyone to strip search § 87(2)(b) and he did not observe a strip search take place.

Witness Officer: PO RICHARD GADSON

- *PO Richard Gadson, § 87(2)(b)*
On April 20, 2011, PO Gadson worked in uniform assigned to sector ABGM with PO Gladden in a marked patrol car.

Memo Book

PO Gadson did not have any relevant memo book entries (encl. 13A-C).

CCRB Testimony

On October 20, 2011, PO Richard Gadson was interviewed by the CCRB (encl. 13D-E). PO Gadson did not have an independent recollection of the incident. PO Gadson was shown a photograph of § 87(2)(b) however, he did not recall him. PO Gadson is familiar with PO Gouldbourne and Sgt. Glynn; however, he did not recall encountering the officers at the date and time of occurrence.

Witness Officer: PO TYTHE GLADDEN

- *PO Tythe Gladden, § 87(2)(b)*
On April 20, 2011, PO Gladden worked in uniform assigned to sector ABGM with PO Gadson in marked patrol car 1908. PO Gladden was the recorder.

Memo Book

PO Gladden did not have any relevant memo book entries (encl. 14A-C).

CCRB Testimony

On October 24, 2011, PO Thythe Gladden was interviewed at the CCRB (encl. 14D-E). PO Gladden did not recall the incident. PO Gladden did not recall whether PO Gouldbourne stopped, frisked or searched anyone at Hancock Street and Franklin Avenue. PO Gladden did not recall transporting § 87(2)(b) to the stationhouse and he did not recall whether PO Gouldbourne conducted a strip search of § 87(2)(b).

NYPD Document(s)

79th Precinct Roll Call

The roll call indicates that PO Gouldbourne and Sgt. Glynn were assigned to vehicle 3214, PO Gadson and PO Gladden were assigned to sector A, Sgt. Scocca was assigned as the desk sergeant and PO Russo was assigned as the cell attendant (encl. 15A-B).

Command Log

The command log indicates that § 87(2)(b) entered the stationhouse at 9:45 p.m. and he was charged with disorderly conduct. § 87(2)(b)'s physical and mental condition was noted as

apparently normal. There is no indication that a strip search of § 87(2)(b) had been authorized or conducted. § 87(2)(b) was released from the stationhouse with a summons at 10:32 p.m. (encl. 16).

Prisoner Holding Pen Roster

The roster indicates that § 87(2)(b) entered into the stationhouse at 9:50 p.m. and entered into the holding cells at 10:00 p.m. (encl. 17).

Summons/Arrest for Incident and Disposition

- On March 9, 2012, a search of summons number § 87(2)(b) in the Office of Court Administration records and E-courts did not reveal a disposition.

Status of Civil Proceedings

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of March 9, 2012 with regard to the incident (encl. 18).

[illegible]

Civilian(s) CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) and it is the first complaint that involved § 87(2)(b) (2A-B).

Subject Officer(s) CCRB History

- PO Gouldbourne has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. 1A).
- Sgt. Glynn has been a member of the service for eight years and there are two substantiated CCRB allegations against him (encl. 1B-D):
 - In case 200605789, a strip search allegation was substantiated against him and he received a command discipline.
 - In case 200712972, a frisk allegation was substantiated against him and no disciplinary action was taken.

Conclusion

Identification of Subject Officer(s)

PO Gouldbourne acknowledged his interaction with § 87(2)(b) in such a way that a stop, strip search and discourtesy allegation were pleaded against him. PO Gouldbourne matched the description provided by § 87(2)(b) therefore, a frisk and search allegation were also pleaded against him. Sgt. Glynn acknowledged his interaction with § 87(2)(b) in such a way that a stop allegation was pleaded against him.

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: At Franklin Avenue and Hancock Street in Brooklyn,

Sgt. William Glynn stopped § 87(2)(b) and § 87(2)(b)

Allegation B – Abuse of Authority: At Franklin Avenue and Hancock Street in Brooklyn,

PO Lenford Gouldbourne stopped § 87(2)(b) and § 87(2)(b)

It is undisputed that § 87(2)(b) was stopped; § 87(2)(g) § 87(2)(b). While § 87(2)(b) alleged that his name had been requested, neither PO Gouldbourne nor Sgt. Glynn had recorded § 87(2)(b) name or information in their memo books. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

PO Gouldbourne and Sgt. Glynn acknowledged that § 87(2)(b) had been stopped specifically because he was intoxicated; however, they each denied that § 87(2)(b) had been stopped at all and they denied that PO Gouldbourne had stopped § 87(2)(b) because he told § 87(2)(b) to record their name and shield numbers. PO Gouldbourne and Sgt. Glynn's memo book entries were consistent with their CCRB testimony that § 87(2)(b) behaved disorderly. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation C – Abuse of Authority: At Franklin Avenue and Hancock Street in Brooklyn,

PO Lenford Gouldbourne frisked § 87(2)(b)

Allegation D – Abuse of Authority: At Franklin Avenue and Hancock Street in Brooklyn,

PO Lenford Gouldbourne searched § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) provided consistent testimony in that § 87(2)(b) had been frisked by PO Gouldbourne. § 87(2)(b) added that he had also been searched. § 87(2)(b) did not recall whether PO Gouldbourne had been engaged with § 87(2)(b) at all and PO Gouldbourne and Sgt. Glynn denied that § 87(2)(b) had been frisked or searched. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation E – Abuse of Authority: At the 79th Precinct stationhouse, PO Lenford Gouldbourne strip-searched § 87(2)(b)

§ 87(2)(b) consistently alleged that PO Gouldbourne strip searched him more than once inside of a room at the rear of the stationhouse and he stated that the first strip search was observed by PO Gadson. PO Gouldbourne denied that he strip searched § 87(2)(b) and stated that he conducted a standard search for contraband and removed § 87(2)(b)'s belt and shoe laces. PO Gadson did not recall § 87(2)(b) and he did not recall observing PO Gouldbourne conduct a strip search at the stationhouse on the date of the incident. A strip search was not documented in the command log or PO Gouldbourne's memo book and Sgt. Glynn denied that he authorized a strip search be conducted § 87(2)(g).

§ 87(2)(g)

§ 87(2)(g)

Allegation F – Abuse of Authority: At the 79th Precinct stationhouse, PO Lenford Gouldbourne spoke obscenely and/or rudely discourteously to § 87(2)(b)

§ 87(2)(g) alleged that PO Gouldbourne stated, "When you begin talking about your rights – I don't like that shit." PO Gouldbourne denied that he ever made such statement and based upon § 87(2)(b) and PO Gouldbourne's statements, no additional persons were present to hear the alleged statement. Hence, the CCRB could not obtain any additional witness testimony regarding the allegation and a determination could not be made, § 87(2)(g).

§ 87(2)(g)

Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date